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EXAMINER	
PHU, SANH D	

ART UNIT	PAPER NUMBER
2682	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,010	KOSTIAINEN ET AL.	
	Examiner	Art Unit	
	Sanh D. Phu	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12,13,15-20 and 22* is/are rejected.

7)☒ Claim(s) *14,21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 12/07/05.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim12-22 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No.10/502081. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 12-22 of the instant application are broader in scope than the claims in the

copending application 10/502081 and thus encompass claims 12-22 of the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Regarding to claims 12-14 are rejected by the claims 1-3 of the copending application No. 10/794137.

Regarding to claims 15-21 are rejected by the claims 4-12 of the copending application No. 10/794137.

Regarding to claim 22 is rejected by the claims 13-15 of the copending application No. 10/794137.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13, 15-18, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews (5,911,121), previously cited.

-Regarding to claim 12, see figures 1-5, and col. 2, line 58 to col. 4, line 62, Andrews discloses a method of electrically operating a display (20) and a keypad (18) being included in an user exchangeable cover part (44) (see figure 2) which is electrically interconnected by means of an electrical connector (60) (see figure 3), wherein the display inherently includes a first electrical circuitry associated with the display for interconnection with and reception of signals from input/out circuit (16), and the keypad inherently includes a second electrical circuitry associated with the keypad for interconnection with and reception of signals from input/out circuit (16) (see figure 1, and col. 2, lines 64-67), (note that either one of the first electrical circuit and the second electrical circuit or both can be considered here equivalent with the limitation "electrical circuitry"; and hereafter either one or combination of the first electrical circuit and the second electrical circuit are referred as an electrical circuitry); the circuit comprising:

step (50) (see figures 1 and 3) of identifying a type of the user exchangeable cover part (see col. 3, line 40 to col. 4, line 22); and

step (12, 14, 16) (see figure 1) of operating the electrical circuitry in dependence upon the identification of the user exchangeable cover part; wherein the electrical circuitry comprises the first electrical circuitry and/or the second electrical circuitry for supporting the user interface of the wireless terminal (see col. 3, lines 13-40).

-Regarding to claim 15, as similarly applied to claim 12, see figures 1-5, and col. 2, line 58 to col. 4, line 62, Andrews discloses a wireless communication terminal (10) (see figures 1 and 2) including an user exchangeable cover part (44) (see figure 2), wherein the wireless terminal and user exchangeable cover part are electrically interconnected by means (60) (see figure 3) of an electrical connector, wherein:

the user exchangeable cover part comprises an identification means (60, 66) (see figure 3) for identifying the cover part, and a display (20) and a keypad (18) for supporting a user interface (see figure 2), wherein the display inherently includes a first electrical circuitry associated with the display for

interconnection with and reception of signals from input/out circuit (16), and the keypad inherently includes a second electrical circuitry associated with the keypad for interconnection with and reception of signals from input/out circuit (16) (see figure 1, and col. 2, lines 64-67), (note that either one of the first electrical circuit and the second electrical circuit or both can be considered here equivalent with the limitation "electrical circuitry for supporting a user interface"; and hereafter either one or combination of the first electrical circuit and the second electrical circuit are referred as an electrical circuitry);

the wireless terminal having detection circuit (50) (see figures 1 and 3) to identify the user exchangeable cover part by detecting the identification means (see col. 3, line 40 to col. 4, line 22); and

the wireless terminal having means (12, 14, 16) (see figure 1) to operate the electrical circuitry of the user exchangeable cover part in dependence of the identification means of the user exchangeable cover part (see col. 3, lines 13-40).

-Regarding to claim 22, as similarly applied to claim 12, see figures 1-5, and col. 2, line 58 to col. 4, line 62, Andrews discloses a user exchangeable

cover part (44) (see figure 2) for an attachment to a wireless communication terminal (46, 42) comprising:

an electrical connector part (60) (see figure 3) for electrical connecting to the wireless communication terminal in an attached positions including identification means (66) for identifying the cover part, and

a display (20) and a keypad (18) (see figure 2) for supporting a user interface, the display and keypad for supporting a user interface of the wireless terminal, wherein the display inherently includes a first electrical circuitry associated with the display for interconnection with and reception of signals from input/out circuit (16), and the keypad inherently includes a second electrical circuitry associated with the keypad for interconnection with and reception of signals from input/out circuit (16) (see figure 1, and col. 2, lines 64-67), (note that either one of the first electrical circuit and the second electrical circuit or both can be considered here equivalent with the limitation "electrical circuitry"; and hereafter either one or combination of the first electrical circuit and the second electrical circuit are referred as an electrical circuitry); and

wherein the user exchangeable cover part allows the wireless communication terminal to operate the electrical circuitry of the user exchangeable cover part in dependence upon the identification means of the user exchangeable cover part (see col. 3, lines 13-40).

-Regarding to claim 13, Andrews discloses that the connector (60) has a plurality of pins (64), and at least one of the connector pins is operated in an identification state for sensing a resistor value (R1, R2, R3) included in an identification means (50) for identifying and which is pad of the user exchangeable cover part, and afterwards is operated in an operation state operating the electrical circuitry of the user exchangeable cover pad (see figures 3 and 4, and col. 3, line 40 to col. 4, line 22).

-Regarding to claim 16, Andrews discloses that the connector includes a plurality of connector pins (64) arranged in line (52) and separated by an equal distance (see figure 4, and col. 3, lines 46-49 and 60-63.

-Regarding to claim 17, Andrews discloses that the connector pins are arranged at a rear side of the cover part (see col. 3, lines 40-44).

-Regarding to claim 18, Andrews discloses that a number of the connector pins (C1, C2, C3) is three (see figure 4).

-Regarding to claim 20, Andrews discloses that at least one of the connector pins is operated in an identification state for sensing a resistor value included in the identification means, and afterwards is operated in an operation state operating the electrical circuitry of the user exchangeable cover part (see col. 3, line 30 to col. 4, line 10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews.

-Regarding to claim 19, Andrews does not disclose that a number of the connector pins is five.

Andrews discloses that a number of connector pins is four, not five. However, he teach that the number of possible models of the user exchangeable cover part is 2^{N-1}, where N is a number of connector pins (the ground pin is not included in (N-1)) (see col. 4, lines 18-22). It would have been obvious for a person skilled in the art, within his skills and upon his design preferences or system requirement, to implement Andrews invention to have a number of connector pins being five or more so that the number of possible models of the user exchangeable cover part could be increased to 2^4 = 16 or more for use in the wireless terminal.

Allowable Subject Matter

6. Claims 14 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14 and 21 are allowed over the cited prior art with the same reasons set forth in the previous Office Action mailed on 9/12/2005.

Response to Arguments

7. Applicant's arguments filed on 12/7/05 have been fully considered but they are not persuasive.

-Regarding to the rejections, under Double Patenting, to claims 12-22, the rejections are still maintained because the applicant has not responded to the rejections.

-Applicant's arguments with respects to claims 12, 15 and 22, under Claim Rejection, 35 USC 102, are not persuasive. The applicant mainly argues that

(i) Andrews's exchangeable cover part is not a "a user exchangeable cover part", as claimed; and

(ii) Andrews does not teach an exchangeable cover part comprising an electrical circuitry for supporting a user interface of a wireless terminal wherein the electrical circuitry of the user exchangeable cover part is operated in dependence upon the identification for the user exchangeable cover part.

Regarding to part (i), the examiner respectfully disagrees. Andrews discloses an exchangeable cover part (44) (see figure 2), which can be called

here as a user exchangeable cover part because it is attached to wireless terminal (46, 42) as a mobile telephone, for use by user; and can be exchanged by the user with another exchangeable cover part because the cover part can be exchanged with another exchangeable cover easily and simply (see col. 2, lines 8-19). The limitation "user exchangeable cover part" is considered being disclosed by Andrews user exchangeable cover part because the claims do not have other limitation to describe how the "user exchangeable cover part" is in order to make it distinguishable from Andrews user exchangeable cover part.

Regarding to part (ii), the examiner also disagrees. Andrews discloses a user exchangeable cover part (44) (see figure 2) comprises a display (20) and a keypad (18) for supporting a user interface wherein the display inherently includes a first electrical circuitry associated with the display for interconnection with and reception of signals from input/out circuit (16) (see figure 1, and col. 2, lines 64-67) and receptions of driving signals provided from a circuitry of a printed circuit board (46) for driving display (20) (see figure 2, and col. 5, lines 15-20), and the keypad inherently includes a second electrical circuitry associated with the keypad for interconnection with and

reception of signals from input/out circuit (16) (see figure 1, and col. 2, lines 64-67) wherein the second circuitry inherently include key contacts which are electrically engaged and interconnected with key contacts (48) as electrical ports being arranged on the printed circuit board (46) for key pad operations (see figure 10, col. 6, lines 50-57), (note that either one of the first electrical circuit and the second electrical circuit or both can be considered here equivalent with the limitation "electrical circuitry for supporting a user interface"; and hereafter either one or combination of the first electrical circuit and the second electrical circuit are referred as an electrical circuitry); and wherein the electrical circuitry of the user exchangeable cover part is controlled and operated by means (12, 14, 16) (see figure 1) in dependence upon the identification for the user exchangeable cover part (see col. 3, lines 13-40).

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu
Examiner
Art Unit 2682

SP

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